GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LAW (LA&J-HOME COURTS.A) DEPARTMENT – HIGH COURT OF ANDHRA PRADESH – RULES FOR ONLINE ELECTRONIC FILING (e-filing), 2022 – NOTIFICATION - ORDERS - ISSUED

LAW (L AND LA&J-HOME-COURTS-A) DEPARTMENT

G.O.Ms.No.104 **Dated:08-07-2022.**
Read:

From the Registrar General, High Court of Andhra Pradesh,
Lr.ROC.No.415/2020-CPS, dated:07.03.2022.

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ORDER:

In the reference read above the Registrar General, High Court of Andhra Pradesh, has requested the Government to issue a notification approving the Rules for online electronic filing (e-filing) framed by the Hon'ble High Court Committee.

2. The following notification will be published in the Extraordinary issue of the Andhra Pradesh Gazette, dated:08.07.2022.

NOTIFICATION

In exercise of the powers conferred by the Article 225 and 227 of the Constitution of India, the Government hereby make the following Rules for online electronic filing (e-filing), 2022.

1. Short Title, Applicability and Commencement:

(1) These Rules will be called e-filing Rules. They will be applicable to the High Court of Andhra Pradesh,

(2) These Rules will come into force from the date notified by the High Court.

(3) These Rules will apply to on-line e-filing and e-filing through Designated Counters and facilities provided for e-filing, including e-Service Centers. The rules will apply to such categories of cases as would be notified by the High Court. These Rules amend and consolidate the existing Rules and Practice Directions.

2. Definitions

(1). Action: includes all proceedings instituted in the High Court such as writs, original suits, original petitions, appeals, revision petitions, contempt petitions, execution petitions, arbitration petitions, probate cases etc., petitions/applications on the criminal side and also to all interlocutory applications.
(2) Administrator: means the Registrar (IT) or an officer appointed by the High Court for administering and dealing with matters connected with or relating to e- filing.
(3) Bench: means and includes one or more Judges assigned to adjudicate upon the Actions as the case may be.
(4) Physical Filing: means all Actions and pleadings filed as hardcopies.

(P.T.O.)

(5) Designated Counters: means and includes those counters which are notified and those that may be included or excluded from time to time in Appendix-I.
(6) Electronic Filing (e-filing): means e-filing as prescribed through the Internet (at the web portal of the Court) and through the internet/intranet at Designated Counters, unless the context requires otherwise.
(7) High Court: High Court means the High Court of Andhra Pradesh.
(8) Objections: means and includes deficiencies and errors pointed out by the Registry/Scrutiny Officer in relation to the Actions instituted in the Court.
(9) Opposite Party: means defendant(s), respondents, judgment debtor(s) opposite parties and non- applicant(s).
(10) Party: means appellant(s), plaintiff(s), petitioner(s), complainant(s) and applicant(s).
(11) Pleadings: means pleadings filed in support or defence of an Action including affidavits, counter affidavit, additional affidavits reply/rejoinder affidavits and supplementary affidavits.
(12) PDF: means an electronic document filed in a portable document format.
(13) PDF/A: means an ISO-standardized version of the Portable Document Format (PDF) specialized for the digital preservation of electronic documents.
(14) Registry: means the Registry of the Court.
(15) Statement of Defence: means and includes written statements, replies, counter- affidavits filed in respect of an "Action" and additional or supplementary affidavits.
(16) Technical failure: means a failure of the court's hardware, software, and/or telecommunications facility which results in the impossibility of submitting a file electronically. Technical failure does not include malfunctioning of the equipment of the person submitting an e-file or internet problems at his / her end.
(17) Third Party: means and includes any person or entity seeking to become a party or to intervene in an Action.
(18) Working Day: means and includes a day when the Registry of the Court is working under the Calendar published or as directed by the Court.

3. General Instructions

(1) On-line e-filing shall be made by visiting the web portal of the Court, namely: hc.ap.nic.in.
(2) Except as provided in these Rules, Actions, whether in fresh, pending or disposed of cases, will be filed electronically by an advocate or litigant in person from their home, office or other remote location in the manner provided in these Rules.
(3) Any person who is unable to access the e-filing portal would be entitled to make use of the facilities provided at the Designated Counters for that purpose upon payment of charges as stipulated by the High Court.
(4) The size of the e-file should not exceed 20 MB. In case the file size exceeds 20 MB, it must be split-up and uploaded separately.

4. Steps for Registration by Advocates; Litigants/Party-in-Person.

(1) i) Advocates:

1. Should visit the web portal (hc.ap.nic.in) to view the form.
2. Click the registration link.
3. Fill the form with requisite details.
4. Submit the filled-up form along with a self-attested copy of the Bar Council Registration Certificate or Bar Council I-card (in pdf format only).

(ii) Litigants/Party-in-person

a. Should visit the web portal (hc.ap.nic.in) to view the form.
b. Click the registration link.
c. Fill the form with requisite details.
d. Submit the filled-up form along with the self-attested copy of any identity document issued by the Government (in PDF format only).

(2) Litigants in person shall submit an affidavit/undertaking that they have not engaged an Advocate in the Action. A litigant in person who subsequently engages an Advocate, shall make an application before the Administrator for transferring the data in respect of the Action to the Advocate's account. Once the Administrator allows the application, the data in the Action shall be transferred in the user account of the Advocate. The litigant in person will not be in a position to modify the data of the subject Action, without the permission of the Administrator.

(3) A login ID will be allotted on the next working day, if the application is found complete in all respects. The procedure for registration is set out in Appendix-II.

5. Frame of Pleadings shall be as per Rules of Practice/applicable Code.

The pleadings should be clear and concise as per the relevant procedural law. Parties and third parties should set forth their claims/averments in separate paragraphs. The statement of truth/ affidavit of the concerned person must bear their signature. Opposite parties should also file their replies under sequentially numbered paragraphs and headings (such as Preliminary Objections and Objections on Merits).

6. Formatting

(1) Every Action and Documents filed shall be prepared electronically using the following formatting style:

- Paper size :A-4
- Top Margin :1.5"
- Bottom Margin :1.5"
- Left Margin :1.75"
- Right Margin :1.0"
- Alignment :Justified
- Font :Times New Roman Font size :14
- Line spacing :1.5
- If any document is typed in a local language in Trial Courts, it must be in prepared using xxx Unicode Font 14

(2) The document should be converted into Optical Character Recognition (OCR) searchable Portable Document Format (PDF) or PDF/A using any PDF converter or in- built PDF conversion plug-in provided in the software. PDF/A is the preferred format.

(3) A document which is not a text document and has to be enclosed with the Action, should be scanned using an image resolution of 300 dpi (Dots per inch) in OCR searchable mode and saved as a PDF document. The procedure for converting a document into an OCR searchable PDF as mentioned above and as required in clause 8.1 is set out in Appendix – III.

7. Digital Signatures

(1) The PDF document shall be digitally signed either by the parties and/or by their Advocate. The digital signatures shall be appended on such places on the PDF document as prescribed under the extant rules. If neither the party nor the Advocate who has been engaged possess a digital signature, a print out of the Action shall be physically signed by the party concerned and/or their Advocate in accordance with rules and it shall thereafter be scanned and uploaded.

(2) A List of recognized Digital Signature Providers and the procedure involved in appending single or multiple signatures is set out in Appendix –IV.

(3) Where the party or the advocate does not posses the digital signature issued by the competent authority such an advocate or the party may authenticate e-filed documents by using the AADHAR number belonging to the advocate or the party and the OTP sent to the registered mobile number of the advocate or party with UIDAI (Unique Identification Authority of India). Such authentication shall be considered valid for all intents and purposes and it shall be the responsibility of the party or the advocate to maintain the security of the AADHAR number and the mobile phone registered with the UIDAI.

(4) Where a document requires signatures of more than one party it may be filed either by:

i) Representing the consent of the other parties on the document by inserting in the location their each hand written signature would otherwise appear the typed signature of each person, other than the filing party, preceded by a "/sd/" and followed by the words "permission" (e.g. "sd" AB by permission"); or by

ii) Electronically filing a scanned document containing all necessary signatures.

8. Payment of Court Fees/Fines/Deposits/Other Charges etc.

Court fee and all other charges can be paid by on-line payment to the CFMS of AP Treasury or through any authorized service provider approved by High Court of Andhra Pradesh. The payment code whether automatically generated on payment of court fee on-line through the CFMS of AP Treasury or through any authorized service provider approved by High Court of Andhra Pradesh has to be filed in the appropriate box at the time of e-filing. The petitioner shall mention the name of the party paying the court fee on the receipt and upload the same.

9. Retention of Originals

(1) Scanned copies of all the Original documents which are digitally signed by the Advocate or the litigant in person should be filed at the time of e-filing. Originals of the documents and the certified copies of the orders /judgements/decrees which are questioned / challenged etc., should be filed at the time of the first hearing, before the court concerned. In cases of Writs of Certiorari and in cases where the High Court exercises original jurisdiction (other than the writ jurisdiction), the originals of the documents shall be filed as per the provisions of the CPC/CrPC or the applicable law at the time of the first hearing. Scanned copies of the documents should be paginated and indexed.

(2) The responsibility of producing the originals and proving their genuineness shall be on the party who has electronically filed scanned copies of the document.

10. Access to the Electronic Data of the Action

Free of cost access will be available to authorized person(s) to data e-filed by any of the parties to the specific Action, as is presently being provided in pending Actions. This facility shall be in addition to the procedure of obtaining certified copies.

11. Exemption from e-filing

Exemption from on-line e-filing of the entire pleading or a part of the pleadings and/or documents may be permitted by the Bench upon an application being made for that purpose in the following circumstances:

1. where there are concerns about confidentiality and protection of privacy; or
2. where the document cannot be scanned or filed electronically because of its size, shape or condition; or
3. where the on-line e-filing portal is either inaccessible or not available for some reason; and/or
4. for a just and sufficient cause.

12. Service of Electronic Documents

In addition to the prescribed mode of service, notices, documents, pleadings that are filed electronically may also be served through the designated e-mail IDs of Registry officials, to the e-mail address of the advocates or parties, if available, e-mail IDs of Registry officials will be published on the Court website to enable the recipients to verify the source of the e-mail. Proof of service should be supported by an affidavit.

13. Computation of Time

(1) Wherever limitation/time limits apply, it will be the responsibility of the party concerned to ensure that the filing is carried out well before the cut-off date and time. The date of e-filing will be taken as that date when the Action is electronically received in the Registry within the prescribed time on any working day. For computing the time at which e-filing is made, Indian Standard Time (IST) will apply.

(2) E-filing through Designated Counters will be permissible up to 1600 hours on any court working day. Actions filed on a day declared as gazetted holiday or on a day when the court is closed, will be regarded as having been filed on the next working day. For the computation of limitation, on-line e-filing shall be subject to the same legal regime as applicable to physical filing, save and except as provided hereinabove.

(3) The facility for on-line e-filing through the web portal shall be available during all twenty-four hours of each day, subject to breakdown, server downtime, system maintenance or such other exigencies. Where on-line e-filing is not possible for any of the reasons set out above, parties can either approach the Designated Counters for e- filing during Court hours on working days or take recourse to physical filing. No exemption from limitation shall be permitted on the ground of a failure of the web based on-line e-filing facility.

(4) Provisions for limitation governing on-line e-filing will be the same as those applicable to physical filing. The period of limitation for such actions will commence from the date when e-filing is made as per the procedure prescribed in these Rules.

14. Procedure for Filing Caveat

All caveats can be filed on-line. The procedure for this purpose is set out in Appendix – VI. All caveats shall be filed as per e-filing module.

15. Hard Copies of Pleadings and Documents filed Electronically

Advocates, as well as parties, may print hard copies of all pleadings and documents filed electronically for their use in the court or elsewhere, but not as certified copies. The Registry will, wherever required, prepare hard copies for official use.

16. Residuary provisions

(1) The e-filing made by an Advocate/litigant in person will be rejected, if they do not follow the protocol mandated by these Rules or practice directions.

(2) Subject to such further directions as may be issued, an opposite party may, for valid reasons, refuse to accept the service of pleadings, documents etc., by email. In such an eventuality, hard copies of pleadings and documents

will have to be provided to the opposite party. In such circumstances, the petitioner can be called upon to deposit the charges calculated on the basis of the number of pages which are required to be photocopied, at the rate of Rs.1/- per page which shall be deposited by the petitioner. This facility will be provided by the Registry on a written request being made by the defendant(s)/respondent(s). This rate of Rs.1/- page may be varied by a notification/further order by the High Court.

(3) The Registry will communicate the objections, if any, regarding the cases filed by email/SMS/web hosting to the concerned Advocate/litigant in person. After the objections are cleared the case will be processed for listing and the Advocate/litigant in person will be informed, including by email/SMS.

17. Dos and Don'ts

(1) The text documents and scanned documents set out in clauses 6.3 and 7.1 should be merged as a single OCR searchable PDF file and should be book-marked as per the Master Index, duly approved by the Registry. The procedure in this behalf is set out in Appendix-V.

(2) The merged documents should be uploaded at the time of on-line e-filing. Screen shots of the manner of accessing the on-line e-filing portal and for the filing of the main case and documents including written statements, replies, replications, rejoinders, affidavits and evidence in a pending case, are set out in Appendix - I.

(3) Once e-filing is accepted, the filing or registration number shall be notified to the Advocate or litigant in person, through SMS.

(4) In case of on-line e-filing includes, audio and/or video files, the Administrator shall generate a hash value.

(5) Special Characters are not allowed while e-filling Memo of Parties and Advocate remarks.

(6) Document Binary File Name Standards

The following special characters are not allowed in a file name:

- A quotation mark(")
- A number sign/Pound(#)
- Percent(%)
- Ampersand (&)
- Asterisk(*)
- Colon(:)
- Angle brackets (less than, greater than) (<>)
- A question mark(?)
- Backslash(\)
- Forward slash(/)
- Braces (left and right) ({})
- Pipe(|)
- A tilde(~)
- The period (.) character used consecutively in the middle of the file name or at the beginning or end of the filename.

File names should not exceed 45 characters in length, including spaces.

Single space must be counted as one character each.

(7) On-line e-filing shall not be watermarked or encrypted. The e-filed documents shall not contain any virus, malware, spam-ware, trojan horse or the like. All the e-filed documents shall be legible and free of markings, track changes or annotations.

18. General Caution

Email is not a secure medium of communication. Any communication transmitted by email can be intercepted or read by a third party. An Advocate or litigant in person seeking to transmit confidential or sensitive document/material, shall approach the Registry for requisite assistance/advice.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SATYA PRABHAKAR RAO,
SECRETARY TO GOVERNMENT,
LEGAL AND LEGISLATIVE AFFAIRS & JUSTICE,
LAW DEPARTMENT.

To
The Commissioner Printing, Stationery & Stores Purchases, Andhra Pradesh, Muthyalampadu, Vijayawada, (2) copies with a request to Publish the same in extraordinary issue of the Andhra Pradesh Gazette and send 25 copies directly to the High Court of Andhra Pradesh.
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